

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KEVIN HEFFERNAN,

Plaintiff,

-against-

Case No. 07 CV 11260 (WCC)

AMENDED  
NOTICE OF MOTION

FRANK G. STRAUB, individually, and in his capacity as  
Commission of Public Safety for the City of White Plains,  
N.Y., RICHARD LYMAN, individually, and in his  
capacity as Chief of the City of White Plains Fire Bureau,  
Department of Public Safety, RICHARD HOULIHAN,  
individually, and in his capacity as Deputy Chief, White  
Plains Fire Bureau, Department of Public Safety,  
VINCENT ROBERTO, individually and in his capacity as  
Deputy Fire Chief, White Plains Fire Bureau, Department  
of Public Safety and the CITY OF WHITE PLAINS, New  
York,

Defendants.  
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**PLEASE TAKE NOTICE** that, upon the annexed Amended Affirmation of Ivan D. Smith, Esq., dated April 28, 2008, the exhibits annexed thereto, and the accompanying Memorandum of Law in Support of the Motion to Dismiss, defendants will move this Court, before the Honorable William C. Conner, United States District Judge, at the United States District Courthouse, Southern District of New York, 300 Quarropas Street, White Plains, NY 10601 on \_\_\_\_\_, 2008 or as soon thereafter as counsel may be heard, for an Order dismissing in its entirety, the Complaint in this matter, and granting such other and further relief as the Court may deem just and proper;

**PLEASE TAKE FURTHER NOTICE**, that pursuant to the Order of the Court, answering papers, if any, must be served and filed by May 19, 2008;

**PLEASE TAKE FURTHER NOTICE**, that pursuant to the Order of the Court, reply papers, if any must be served and filed by May 29, 2008.

Dated: New York, New York  
April 28, 2008

LEWIS BRISBOIS BISGAARD & SMITH, LLP

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/s

Ivan D. Smith (IS-2659)  
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TO:

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